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MINISTRY OF LAW (Legislative Department)

New Delhi, the 29th February, 1960/Phalguna 10, 1881 (Saka)

The following Acts of Parliament received the assent of the President on the 27th February, 1960, and are hereby published for general information:—

THE ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) ACT, 1960

No. 1 OF 1960

[27th February, 1960]

An Act further to amend the Administration of Evacuee Property Act, 1950

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Administration of Evacuee Property Short title.
(Amendment) Act, 1960.

31 of 1950 2. In section 8 of the Administration of Evacuee Property Act, 1950 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

Amendment
of section 8.

“(2A) Without prejudice to the generality of the provisions contained in sub-section (2), all property which under any law repealed hereby purports to have vested as evacuee property in any person exercising the powers of Custodian in any State shall, notwithstanding any defect in, or the invalidity of, such law or any judgment, decree or order of any court, be deemed for all purposes to have validly vested in that person, as if the provisions of such law had been enacted by Parliament and such property shall, on the commencement of this Act, be deemed to have

been evacuee property declared as such within the meaning of this Act and accordingly, any order made or other action taken by the Custodian or any other authority in relation to such property shall be deemed to have been validly and lawfully made or taken.”.

**Amendment
of section
10.**

3. In section 10 of the principal Act, in sub-section (2), after clause (o), the following clause shall be inserted, namely:—

“(p) acquire any non-evacuee interest in evacuee property, whether by way of purchase or otherwise:

Provided that no such acquisition shall be made except with the previous approval of the Custodian-General.”.

**Insertion of
new section
10A.**

4. After section 10 of the principal Act, the following section shall be inserted, namely:—

**Power to
recover rent
or damages
in respect of
evacuee
property
vested in the
Custodian.**

“10A. (1) Where any person is in arrears of rent in respect of any evacuee property vested in the Custodian, the Custodian may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is deemed to be holding any evacuee property on behalf of the Custodian under sub-section (4) of section 8, the Custodian may, having regard to such principles of assessment of rent as may be prescribed, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assessed.

(3) Where any person is, or has at any time been, in unauthorised possession of any evacuee property vested in the Custodian, the Custodian may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such property and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(4) Where any person being in possession of any evacuee property vested in the Custodian has caused damage to any such property, the Custodian may assess the compensation payable on account of the damage so caused and may, by order, require that person to pay the compensation within such time and in such instalments as may be specified in the order.

(5) No order shall be made under sub-section (2) or sub-section (3) or sub-section (4), until after the issue of a notice in writing to the person concerned calling upon him to show cause within such time as may be specified in the notice why such

order should not be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Custodian.”.

5. In section 27 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

Amendment
of section
27.

“*Explanation.*—The power conferred on the Custodian-General under this section may be exercised by him in relation to any property, notwithstanding that such property has been acquired under section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.”.

44 of 1954.

6. After section 41 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
42.

“42. The Custodian may, for the purpose of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act, require any person to submit to him such accounts, books or other documents or to furnish to him such information relating to any evacuee property as he may reasonably think necessary.”.

Power to
call for
information.

7. In section 55 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment
of section 55.

“(2) Any power exercisable by a State Government by virtue of a direction under sub-section (1) may, unless otherwise provided in such direction, be exercised also by such officer or authority as the State Government may specify in this behalf.”.

8. In section 56 of the principal Act,—

Amendment
of section 56.

(a) in sub-section (2), after clause (j), the following clause shall be inserted, namely:—

“(jj) the manner in which rent of any property or damage for unauthorised possession of any property may be assessed, and the principles which may be taken into account in assessing such rent or damages;”;

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in

making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

THE DISPLACED PERSONS (COMPENSATION AND REHABILITATION) AMENDMENT

ACT, 1960

No. 2 OF 1960

[27th February, 1960]

An Act further to amend the Displaced Persons (Compensation and Rehabilitation) Act, 1954.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1960.

Amendment of section 2. 2. In section 2 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter referred to as the principal Act),— 44 of 1954.

(i) in clause (d), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iii) any dues payable, whether in one lump sum or in instalments, to a co-operative society, registered as such under any law for the time being in force, by the displaced person on account of loans granted to him by the co-operative society, where such loans have been granted out of funds placed at the disposal of the co-operative society by the Central Government or a State Government and such dues have been declared by the Central Government, by notification in the Official Gazette, to be public dues;”;

(ii) in clause (e), for the words, brackets and figures “East Punjab Refugees (Registration of Claims) Act, 1948” the words, brackets and figures “East Punjab Refugees (Registration of Land Claims) Act, 1948” shall be, and shall be deemed always to have been, substituted.

Amendment of section 3. 3. In section 3 of the principal Act,—

(i) in sub-section (1), for the words “a Deputy Chief Settlement Commissioner and as many Settlement Commissioners”, the words “and as many Deputy Chief Settlement Commissioners, Settlement Commissioners” shall be substituted;

(ii) in sub-section (2), for the words, "the Deputy Chief Settlement Commissioner and all Settlement Commissioners", the words "all Deputy Chief Settlement Commissioners, Settlement Commissioners" shall be substituted.

4. In section 19 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:— Amendment
of section 19.

"(4) Where a managing officer or a managing corporation is satisfied that any person, whether by way of allotment or lease, is, or has at any time been, in possession of any evacuee property acquired under this Act to which he was not entitled, or which was in excess of that to which he was entitled, under the law under which such allotment or lease was made or granted, then, without prejudice to any other action which may be taken against that person, the managing officer or the managing corporation may, having regard to such principles of assessment of rent as may be specified in this behalf by the Central Government, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assessed for the period for which the property remains or has remained in his possession:

Provided that no such order shall be made without giving to the person concerned a reasonable opportunity of being heard.

(5) Where any person is, or has at any time been, in unauthorised possession of any evacuee property acquired under this Act, the managing officer or the managing corporation may, having regard to such principles of assessment of damages as may be specified in this behalf by the Central Government, assess the damages on account of the use and occupation of such property and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order:

Provided that no such order shall be made without giving to the person concerned a reasonable opportunity of being heard."

5. In section 20 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment
of section 20.

"(1A) For the purpose of transferring any property out of the compensation pool under sub-section (1), it shall be lawful for the managing officer or the managing corporation to transfer the same to a displaced person jointly with any other person or an association of displaced persons or otherwise."

Insertion of
new section
20B.

6. After section 20A of the principal Act, the following section shall be inserted, namely:—

Restrictions
on restora-
tion of
certain
property.

“20B. (1) Where any person is entitled to the restoration of any property by virtue of an order made by the Custodian-General under section 27 of the Administration of Evacuee Property Act, 1950, or by the competent officer or the appellate officer under the Evacuee Interest Separation Act, 1951, and the Central Government is of opinion that it is not expedient or practicable to restore the whole or any part of such property to that person by reason of the property or part thereof being in occupation of a displaced person or otherwise, then, notwithstanding anything contained in the said Acts or this Act, it shall be lawful for the Central Government—

31 of 1950.

64 of 1951.

(a) to transfer to that person in lieu of the property to be restored or any part thereof, any immovable property in the compensation pool or any part thereof, being in the opinion of the Central Government as nearly as may be of the same value as the property to be restored or, as the case may be, any part thereof, or

(b) to pay to that person such amount in cash from the compensation pool in lieu of the property to be restored or part thereof, as the Central Government having regard to the value of the property to be restored or part thereof, may in the circumstances deem fit.

(2) Where in pursuance of sub-section (1) any person has been granted any immovable property from the compensation pool or has been paid any amount in cash from the compensation pool, his right, title and interest in the property to be restored shall be deemed to have been extinguished.”

Amendment
of section 26.

7. In section 26 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every officer appointed under this Act may, for the purpose of making an inquiry under this Act and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act, require any person to submit to him such accounts, books or other documents or to furnish to him such information relating to any evacuee property acquired under this Act as he may reasonably think necessary.”

8. In section 31 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— Amendment
of section 31.

“(5) If at any time the Central Government is of opinion that the continued existence of the Board is unnecessary, it may, by notification in the Official Gazette, declare that the Board shall be dissolved with effect from such date as may be specified in the notification and the Board shall be deemed to be dissolved accordingly.”.

9. In section 34 of the principal Act, in sub-section (2), for the words “the Deputy Chief Settlement Commissioner”, the words “a Deputy Chief Settlement Commissioner” shall be substituted. Amendment
of section 34.

10. In section 40 of the principal Act,—

Amendment
of section 40.

(a) in sub-section (2),—

(i) after clause (h), the following clause shall be inserted, namely:—

“(hh) the manner in which any dispute as to who are the successors-in-interest of any deceased claimant to a rehabilitation grant or other grant, and as to the apportionment of such grant among persons entitled thereto, may be determined;”;

(ii) after clause (n), the following clause shall be inserted, namely:—

“(nn) the fees payable in respect of appeals, revisions or other applications made under this Act;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Validation of
certain
action taken.

11. (1) Any fees in respect of appeals, revisions or other applications which, before the commencement of this Act, have been levied under the Displaced Persons (Compensation and Rehabilitation) Act, 1954, shall be deemed to have been validly levied, as if this Act and the amendments made thereby were in force when such fees had been levied. 44 of 1954.

(2) No order made, no action taken and nothing done before the commencement of this Act by any person exercising the powers of a Deputy Chief Settlement Commissioner shall be invalid or shall be deemed ever to have been invalid merely by reason of any defect in, or invalidity of, the appointment of such person and such appointment shall be deemed to have been validly made, as if this Act and the amendments made thereby were in force on the date of such appointment.

G. R. RAJAGOPAL, Secy.